IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.878 OF 2006
IN
CRIMINAL APPEAL NO.483 OF 2006

Sanjeev Sunderlal Shah ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Shirish Gupte Sr.Counsel i/b Ms Sharmila Kaushik for the Applicant
Mr.A.S.Shitole,A.P.P. for State
Mr.Lalitkumar Salagia-original complainant in person.

CORAM: A.S.OKA,J.
DATE : DECEMBER 7,2006.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. I have also heard the Advocate for the original complainant.

2. The conviction of the Applicant is for offences under section 498-A, 304-B read with section 34 of the Indian Penal Code and under section 4 of the Dowry Prohibition Act, 1961. The main contention of the Applicant is that there is no material to substantiate the case of commission of offence under section 304-B of the I.P.C. It is submitted that there was no evidence relating to demand of dowry. It is submitted that the trial went on for more than 15 years and all throughout the trial the Applicant-accused No.1 was on bail.

3. The date of solemnization of marriage between the

Applicant and the deceased Anju is 30th November 1989. On 10th June 1990 the dead body of Anju was found in the compound of the building in which her matrimonial home was located.

4. I have gone through the notes of evidence and record and proceedings. The Trial Court held that after the marriage there was a persistent demand by the accused to the deceased Anju to get her share in her father's property. Looking to the gravity of allegation and nature of evidence on record, no case is made out for grant of bail. However, Appeal will have to be heard expeditiously. Considering the long time taken in the conclusion of the trial and considering the facts of the case, if the Appeal is not heard within a period of six months from the date of filing paper book, liberty will have to be granted to the Applicant to apply afresh for bail.

4. Hence, I pass the following order :

i) Application is rejected. Hearing of the Appeal is expedited. The Applicant is at liberty to file private paper book.

ii) If Appeal is not heard within six months from the date of filing paper book, liberty to the Applicant to take out a fresh Application for bail which will be considered on its own merits.

JUDGE